

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-1087  
(Lead)

\$88,029.08, MORE OR LESS,  
IN UNITED STATES CURRENCY,

Defendant;

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-cv-0101

\$27,671.50, MORE OR LESS,  
IN UNITED STATES CURRENCY,

Defendant.

(Katherine Anne Hoover, M.D. and  
John F. Tomasic;  
No pending federal criminal charges)

UNITED STATES MOTION FOR AN ORDER  
AUTHORIZING BRIEF DELAY IN RELEASING FUNDS

Comes now the plaintiff, United States of America, by counsel,  
Betty A. Pullin, Assistant United States Attorney for the Southern  
District of West Virginia, and hereby moves the Court for an order  
authorizing a brief delay in releasing to claimants, Dr.  
Katherine A. Hoover and John Tomasic, the funds totaling

\$27,671.50, more or less, that were dismissed by the Court's Memorandum Opinion and Order filed August 8, 2011 (Doc. 93). In support of this motion, the United States provides as follows:

1. The Memorandum Opinion and Order directs the United States Marshals Service to return the funds to the claimants "forthwith;"

2. To effect the return of the funds to the claimants, the United States sent a Form USM-3881 (ACH Vendor/Miscellaneous Payment Enrollment Form) to Dr. Hoover to obtain the banking information needed by the United States Marshals Service to electronically transfer the funds to them (Doc. 99);

3. On Tuesday, September 6, 2011, the United States received the completed Form USM-3881 from the claimants;

4. On September 1, 2011, the United States filed a motion for sanctions and memorandum of law in support against Dr. Hoover and requested, among other things, the imposition of certain monetary sanctions and that any such sanctions be offset against the \$27,671.50 to be returned (Doc. 104, 105);

5. Should the Court grant the United States motion for monetary sanctions, offsetting such award against the monies to be returned to the claimants will ensure that the United States will fully recover any expenses it has incurred as a result of the conduct for which the sanctions were granted; and

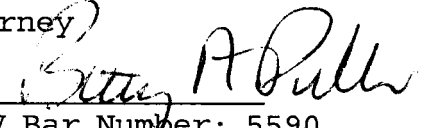
6. The length of the delay sought by the United States is only for that period of time that would permit Dr. Hoover to respond to the government's motion for sanctions, for the United States to reply to any such response, and for the Court to rule on the motion.

WHEREFORE, for the foregoing reasons, the United States respectfully requests authorization to briefly delay releasing the funds until the Court has ruled on the government's motion for sanctions.

Respectfully submitted,

UNITED STATES OF AMERICA  
By Counsel

R. BOOTH GOODWIN II  
United States Attorney

By: s/Betty A. Pullin   
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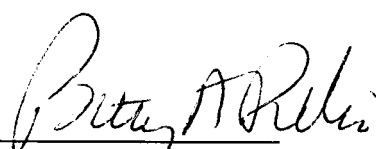
Defendant.

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CERTIFICATE OF SERVICE

I hereby certify that the "UNITED STATES MOTION FOR AN ORDER  
AUTHORIZING BRIEF DELAY IN RELEASING FUNDS'" was electronically  
filed with the Court and served on the following, on this 9<sup>th</sup> day  
of September, 2011:

Katherine Anne Hoover, M.D. and  
John F. Tomasic  
c/o Norman Gay, M.D.  
247 West Bay Street  
Nassau, N.P. Bahamas  
(via Federal Express International)

By: s/Betty A. Pullin   
Betty A. Pullin, WV Bar Number: 5590  
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